

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAVID J. CORNELL,

4 Plaintiff

5 v.

6 NANCY A. BERRYHILL,

7 Defendant

Case No.: 2:19-cv-00104-APG-BNW

**Order Accepting Report and
Recommendation, Granting in Part and
Denying in Part Motion to Remand, and
Denying Motion to Affirm**

[ECF Nos. 22, 24, 25]

8 On February 6, 2020, Magistrate Judge Weksler recommended that I grant in part and
9 deny in part plaintiff David Cornell's motion to remand and deny the defendant's motion to
10 affirm. ECF No. 25. Neither party filed an objection. Thus, I am not obligated to conduct a de
11 novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts
12 to "make a de novo determination of those portions of the report or specified proposed findings
13 to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
14 (en banc) ("the district judge must review the magistrate judge's findings and recommendations
15 de novo *if objection is made*, but not otherwise" (emphasis in original)).

16 I THEREFORE ORDER that Magistrate Judge Weksler's report and recommendation
17 **(ECF No. 25) is accepted**, plaintiff David Cornell's motion to remand **(ECF No. 22) is**
18 **GRANTED in part and DENIED in part**, and the defendant's motion to affirm **(ECF No. 24)**
19 **is DENIED**. This action is remanded to the administrative law judge for further proceedings
20 consistent with the report and recommendation and this order. The clerk of court is instructed to
21 close this case.

22 DATED this 24th day of February, 2020.

23 
ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE